IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

WRIT PETITION NO.339 OF 2006

Nandkumar Digambar Jamodekar. ...Petitioner.

Vs.

Manohar Gopinath Wadkar. ...Respondent

....

Mr. S. S. Hardikar for the Petitioner.

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CORAM : DR. D.Y. CHANDRACHUD, J.

April 12, 2006.

P.C.:

A perusal of the finding contained in paragraph 9 of the impugned judgment and order of the Additional District Judge, Baramati, would show that the property in question belongs to the Shrikrishna Mandir Trust which was registered in 1955 under the Bombay Public Trusts Act, 1950. A scheme was framed by the Charity Commissioner and five trustees were appointed in 1985. The property vests in the Trust. The original Plaintiff filed a suit (316 of 1988) against the Charity Commissioner and the trustees for a declaration that the property is a private property and for injunction. The suit was dismissed on 20th March 1989. The Plaintiff does not have any interest in the property. The Additional

District Judge was, therefore justified in holding that the suit at the behest of the Plaintiff is not maintainable. The petition shall accordingly stand dismissed.

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